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Attorneys for Defendant UNITED STATES
DEPARTMENT OF LABOR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR INVESTIGATIVE
REPORTING and WILL EVANS,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
LABOR.

Defendant.

) Case No. 22-cv-07182-WHA
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)
)
**) DECLARATION OF PAMELA T. JOHANN IN
SUPPORT OF STIPULATED REQUEST TO
MODIFY BRIEFING SCHEDULE FOR
BELLWETHER SUMMARY JUDGMENT
MOTIONS**
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I, Pamela T. Johann, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California, and I represent the United States Department of Labor in this matter. I am licensed to practice law in the State of California and to appear before this Court. I have personal knowledge of the following facts and if called to testify, I could and would competently testify thereto.

2. I submit this declaration in support of the Stipulated Request to Modify Briefing Schedule pursuant to Civil Local Rule 6-2(a).

3. The parties are requesting a modification of the briefing and hearing schedule for the

1 bellwether cross-motions for summary judgment to accommodate the emergency medical leave of DOL
 2 attorney Keir Bickerstaffe, whose contributions are essential to the preparation of Defendant's motion.

3 4. On Thursday, June 29, 2023, Mr. Bickerstaffe was notified that a kidney had become
 4 available for transplant in Philadelphia for his eight-year-old daughter, who was suffering Stage 5 (end
 5 stage) kidney disease and who had been waiting for a kidney for over two years. The kidney was from a
 6 deceased donor, requiring them to be at the hospital within six hours. Mr. Bickerstaffe, who lives and
 7 works in the Washington, D.C. area, dropped everything to get to the hospital in Philadelphia.

8 5. Mr. Bickerstaffe will remain in Philadelphia tending to his daughter and her post-
 9 operative care for at least two weeks. After that, he will return to Philadelphia every other week while
 10 his daughter recovers, and he will be able to work only part-time during this period.

11 6. This unexpected medical leave has disrupted the work that DOL needs to undertake to
 12 evaluate the contractor objections and prepare for its summary judgment filing. Mr. Bickerstaffe is an
 13 indispensable part of the DOL team, and without his full participation, DOL's efforts have been set back
 14 at least two weeks. DOL anticipates losing more time during his part-time schedule. As a result, DOL
 15 will be unable to file its opening brief by the current deadline of August 1, 2023.

16 7. To accommodate this medical emergency, the parties are requesting that the briefing
 17 schedule be modified so that DOL's motion would be filed by August 18, 2023, and Plaintiff's cross-
 18 motion and opposition would be filed by October 18, 2023. Due to leave schedules and holidays, the
 19 parties propose that DOL's opposition/reply be filed by November 10 and Plaintiff's reply be filed by
 20 December 5 to afford the parties sufficient time to prepare their respective briefs.

21 8. The parties have previously stipulated to extend the deadline to respond to Plaintiff's
 22 Complaint. Dkt. No. 10. The parties also stipulated to continue the Initial Case Management
 23 Conference, Dkt. No. 19, and the Court continued the Initial Case Management Conference to March 9,
 24 2023, Dkt. No. 20. The Court also continued the Initial Case Management Conference from March 9,
 25 2023 to April 13, 2023. Dkt. No. 22. The Court modified the briefing schedule once pursuant to the
 26 parties' previous stipulation. Dkt. No. 29. There have been no other time modifications in the case,
 27 whether by stipulation or Court order.

28 9. The requested modification of the briefing and hearing schedule should have no effect on

1 the schedule for the case except as outlined above.

2 I declare under penalty of perjury that the foregoing is true and correct. Signed this 7th day of
3 July, 2023, in San Francisco, California.

4 */s/ Pamela T. Johann*
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